

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Julie K. Klaphake

Debtor

Case No.: 14-60254

Chapter 7

ORDER

This matter came before the court upon on a **MOTION FOR SALE OF REAL ESTATE, FREE OF LIENS AND ENCUMBRANCES, PURSUANT TO 11 U.S.C. 363(f)** by Erik A. Ahlgren, Trustee in this matter. No objection to the motion has been filed or served. Based upon the file and record before the court,

IT IS HEREBY ORDERED:

A. The Trustee is authorized to sell to Dean Mielke, whom the Court finds to be a good faith purchaser of the property under 11 U.S.C. § 363(m), for the sum of \$1,500,000.00, the following:

- (i) Land located in the County of Stearns, State of Minnesota, with a street and mailing address of 406 S. 2nd Ave. E., Melrose, MN 56352 and a Parcel Number of 66.37012.0001 ("**Tract One**"), legally described as follows:

Lot One (1), Block One (1), and the West 84 feet of Lot Two (2),
Block One (1) of Mielke Addition; AND

- (ii) Land located in the County of Todd, State of Minnesota, with a street and mailing address of 457 Main St. S., Browerville, MN 56438 and a Parcel Number of 30-0017400 ("**Tract Two**"), legally described as follows:

Lots One (1) and Three (3) and the North 2 feet and South 23 feet of
Lot Two (2), Block Twelve (12), Original Townsite of the Village,
now City of Browerville;

together with equipment and any remaining inventory of the gas/convenience stores located thereon (hereafter the "Property").

B. The Purchaser shall take the Property free and clear of all liens and encumbrances, including but not limited to:

1. Mortgage against Tract One in the original principal amount of \$792,200.00 dated February 18, 2005, recorded in the office of the Stearns County Recorder on February 24, 2005, as Document No. 1144421, by and between Julie Klaphake and

- Rodney E. Klaphake, wife and husband, mortgagors, and Freeport State Bank, mortgage;
2. Financing statement with respect to Tract One by and between Julie Klaphake, debtor, and Freeport State Bank, secured party, filed in the office of the Stearns County Recorder on February 22, 2005 as Document No. 1144129, as continued by instrument recorded January 25, 2010, as Document No. 1308167;
 3. Assignment of Leases and Rents against Tract One executed by Julie Klaphake and Rodney E. Klaphake, wife and husband, to Freeport State Bank dated February 18, 2005, recorded in the office of the Stearns County Recorder on February 24, 2005, as Document No. 1144422;
 4. Mortgage against Tract Two in the original principal amount of \$232,000.00 dated April 29, 2005, recorded in the office of the Todd County Recorder on May 6, 2005, as Document No. 434070, by and between Julie Klaphake and Rodney E. Klaphake, wife and husband, mortgagors, and Freeport State Bank, mortgage;
 5. Financing statement with respect to Tract Two by and between Julie Klaphake, debtor, and Freeport State Bank, secured party, filed in the office of the Todd County Recorder on May 6, 2005, as Document No. 434048, as continued by instrument recorded February 2, 2010, as Document No. 466778;
 6. Assignment of Rents against Tract Two executed by Julie Klaphake and Rodney E. Klaphake, wife and husband, to Freeport State Bank dated April 29, 2005, recorded in the office of the Todd County Recorder on May 6, 2005, as Document No. 434071;
 7. Mortgage against Tract Two in the original principal amount of \$21,000.00 dated June 30, 2005, recorded in the office of the Todd County Recorder on July 1, 2005, as Document No. 435342, by and between Julie Klaphake and Rodney E. Klaphake, wife and husband, mortgagors, and Freeport State Bank, mortgage;
 8. Judgment in favor of Centra Care Health System against Julie Ann Klaphake dated November 26, 2013, docketed against Tract Two on January 27, 2014, in the original amount of \$601.64, Case No. 77-CV-14-72.

C. The Trustee is authorized to distribute the sale proceeds as follows:

1. To Stearns and Todd County, all real estate taxes and special assessments payable in 2013 and prior years, as well as real estate taxes and special assessments payable in 2014, prorated to the date of closing;
2. To Stearns and Todd County, the state deed tax due and owing on the closing date;
3. To Freeport State Bank, all sums due and owing it secured by the Property;
4. To Centra Care Health System the balance remaining, if any, on its judgment of \$601.64, plus interest as allowed by law;
5. The balance of the funds to be held by the Trustee pending the filing of claims on the estate.

D. The Trustee is authorized to execute all documents necessary effectuate the terms of this Order.

Dated : *July 29, 2014*

/e/ Michael E. Ridgway

United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 07/29/2014 Lori Vosejpka, Clerk, by SS
